

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION**

UNITED STATES OF AMERICA, §
§
Plaintiff, §
§
v. § CASE NO.: 7:20-CV-106
§
0.35 ACRES OF LAND, MORE OR LESS, §
SITUATE IN HIDALGO COUNTY, §
STATE OF TEXAS, AND LUZ ELENA §
MUNIZ §
§
Defendant. §

JOINT STIPULATION OF DISMISSAL UNDER FED. R. CIV. P. 71.1(i)(1)(B)

Plaintiff and Defendants file this stipulation of dismissal under Fed. R. Civ. P. 71.1(i)(1)(B).

I. INTRODUCTION

1. Plaintiff is the United States of America ("Plaintiff"); named interested party (*See* Schedule G of the Declaration of Taking at Docket No. 2) and property owner is Luz Elena Muniz, and the purported tenant of the property is Hilaria Muniz, who made an appearance by filing an Answer to the Unites States Complaint in Condemnation and Declaration of Taking on June 15, 2020, (Docket No. 6) ("Defendants").
2. On April 21, 2020, Plaintiff filed a Declaration of Taking and Complaint in Condemnation for a twelve (12) month temporary easement for real property identified as Tract No. RGV-MCS-1217 (hereinafter referred to as the "Property"). (Docket No. 1 and 2). The interest and property are more particularly described in Schedules "C", "D", and "E" of the Declaration (Docket No. 2).

II. DISMISSAL

3. No judgment has been entered nor possession vested in the United States.
4. No amount of estimated just compensation has been deposited into the Registry of the Court. Therefore, title has not vested in the United States.
5. The Plaintiff and the Defendants pursuant to Fed. R. Civ. P. 71.1(i)(1)(B), jointly stipulate to the dismissal of this case, all claims and counterclaims, without prejudice, each party to bear their own cost.
6. The parties request the Clerk close the case.

FOR DEFENDANT:

s/Peter McGraw (by permission)

PETER McGRAW

Attorney for Hilaria Muniz
Texas RioGrande Legal Aid, Inc.
State Bar No. 24081036
S.D. Tex. No. 2148236
1206 East Van Buren St.
Brownsville, Texas 78520
Phone: (956) 982-5543
Fax: (956) 541-1410
pmcgraw@trla.org

s/Luz Elena Muniz (by permission)

LUZ ELENA MUNIZ

FOR PLAINTIFF:

RYAN K. PATRICK

United States Attorney
Southern District of Texas

By:

s/Manuel Muniz Lorenzi

MANUEL MUNIZ-LORENZI

Assistant United States Attorney
Attorney-in-Charge
Southern District of Texas No.
3381592 Puerto Rico Bar No. 21246
United States Attorney's Office
Southern District of Texas
1701 W. Bus. Highway 83, Suite 600
McAllen, TX 78501
Telephone: (956) 992-9435 Facsimile:
(956) 618-8016
E-mail: Manuel.Muniz.Lorenzi@usdoj.gov

CERTIFICATE OF SERVICE

I, Manuel Muniz Lorenzi, Assistant United States Attorney for the Southern District of Texas, do hereby certify on July 29, 2020, that a true and correct copy of the foregoing document will be mailed to the all parties for whom the United States has contact information.

By: *s/Manuel Muniz Lorenzi*
MANUEL MUNIZ LORENZI